



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.372 of 2018

and

CMP(MD)No.1665 of 2018

WEB COPY

Irulandi : Petitioner/Respondent/Plaintiff
Vs.

1.Shanthi
2.Ramadhandapani
3.Minor Vijaya Lakshmi
4.Minor Jeyaprakash
5.Ammaponnu : Respondents/Petitioners/Defendants

[Minor respondents 3 & 4 are
rep. by their mother / natural guardian,
the first respondent]

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records of the fair and decreetal order dated 22.12.2017 made in I.A.No.28 of 2017 in O.S.No.101 of 2015 on the file of the Sub Court, Aruppukottai and set aside the same.

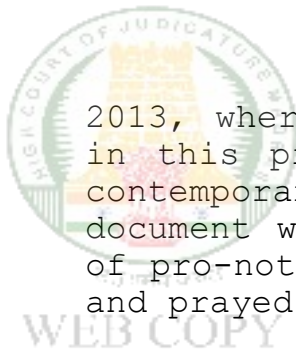
For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.S.Parthasarathy

ORDER

This civil revision petition is filed as against the fair and decreetal order passed in I.A.No.28 of 2017 in O.S.No.101 of 2015, dated 22.12.2017.

2.According to the petitioner / plaintiff, the first respondent's husband, namely, Sethuveeran has borrowed a sum of Rs.5,00,000/- in the year 2013 and also executed a pro-note. The first respondent's husband died in the year 2014 and thereafter, based on the pro-note, the petitioner / plaintiff filed a money suit before the Sub Court, Aruppukottai. In the suit, a specific stand has been taken by the first respondent that the signature found in the pro-note is not that of her husband and she has taken out an application in I.A.No.28 of 2017 to compare the signature found in the pro-note with the available registered gift deed. The trial Court allowed the said application by order dated 22.12.2017 and aggrieved over the same, the present revision is filed by the petitioner.

3.Learned Counsel for the petitioner submitted that the pro-note was executed by the first respondent's husband in the year



2013, whereas, the respondents want to compare the signature found in this pro-note with a document of the year 2008, which is not contemporaneous. If the first respondent is producing any other document within a period of three years from the date of execution of pro-note, he is having no objection for referring the signatures and prayed for appropriate orders.

4.Learned Counsel for the respondents submitted that the first respondent's husband died in the year 2014 and on verification, they found that the gift deed of the year 2008 is the only registered document available with them to compare the signature of the deceased Sethuveeran. He further submitted that the signature found in the pro-note is not that of the first respondent's husband and since the only registered document available with them is the gift deed of the year 2008, they have taken out the application to compare the signature found in the pro-note of the year 2013 with this document.

5.Heard the learned Counsel appearing on either side and perused the available documents.

6.The petitioner / plaintiff has filed a money suit based on the pro-note executed by Sethuveeran, who died in the year 2014. The wife of Sethuveeran / first respondent has taken a specific plea in the suit that the signature found in the pro-note is not that of her husband and therefore, she has taken out an application to refer the document for handwriting expert. They have also taken a stand that the only registered document available with them is the gift deed executed by Sethuveeran in the year 2008. Other than this document, they are not having any other document to compare the signature.

7.Since the first respondent has taken a specific stand that they are not having any other registered document for comparison and also disputing the signature found in the pro-note, this Court is not finding any error in the orders of the trial Court dated 22.12.2017 ordering for comparing the signature of Sethuveeran found in the pro-note with that of the registered gift deed of the year 2008.

8.Accordingly, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

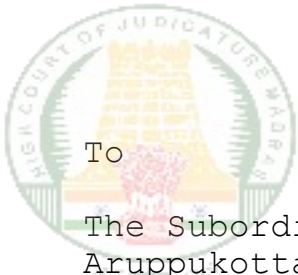
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



To

The Subordinate Judge,
Aruppukottai.

COPY TO: -

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-28782[F]
dated 29/06/2022)

**CRP (MD) No.372 of 2018
27.06.2022**

NSN (CO)

GC (06.07.2022) 3P 5C